

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:

JUDITH HELENE KING, M.D.
1225 Swindon Street
Simi Valley, California 90365

Physician's and Surgeon's
Certificate No. G-21287,

Respondent

No. D-1896

I-13256

DECISION AND ORDER

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on June 27, 1977, at 9:00 a.m. Joseph Barkett, Deputy Attorney General, represented the complainant. Respondent Judith Helene King, M.D., appeared in person and was represented by Willard B. Vogel, Jr., Attorney at Law. Oral and documentary evidence and evidence by stipulation having been introduced and the matter submitted.

The Administrative Law Judge rendered a proposed decision which was non-adopted by the Division of Medical Quality. The Division proceeded to decide the case upon the record, including the transcript, and without the taking of additional evidence. The parties were afforded the opportunity to present written arguments to the Division. Upon full review, the Division makes the following decision:

FINDINGS OF FACT

I

Joseph P. Cosentino filed the Accusation and the First Supplemental Accusation in his official capacity as Acting Executive Secretary of the Board of Medical Quality Assurance of the State of California.

II

Respondent Judith Helene King, M.D. was heretofore issued Physician's and Surgeon's Certificate No. G-21287 by the Board of Medical Examiners (now known as the Board of Medical Quality Assurance) of the State of California. That certificate is currently in a delinquent status.

III

During, but not limited to, the period between April 1975 to February 1976, respondent used and administered to herself the drug heroin.

IV

On or about November 12, 1976, respondent was found by Los Angeles Police Officers Phillips and Como, in the vicinity of Sepulveda Street and Sherman Way to be in possession of approximately 25 milliliters of methadone without having a valid prescription therefore.

V

A. According to respondent's testimony, the facts underlying her conduct as set forth in Findings of Fact III and IV above, are that respondent in the Spring of 1975 became romantically involved with one H. L., a man which she had met socially and who was a heroin addict. Respondent was not aware of his drug use at the time. Approximately two months after their meeting respondent resigned her position as a physician in a drug detoxification clinic for the County of Los Angeles. At the time she was already living together with L.

L. was on a methadone program for his heroin addiction through the Veteran's Administration Hospital. Respondent attempted to assist him in overcoming his problem, however, L. continued using heroin, despite respondent's efforts.

Respondent was experiencing frequent emotional upsets in her relationship with L. She was frustrated in her efforts at rehabilitating him, and having him not associate with other drug users. Gradually her willpower dissolved beginning in November 1975 until November 12, 1976, when she was arrested, she self injected heroin according to her testimony between 10 and 20 times to enable her to cope with emotional upsets. She testified that this was done on an occasional basis and in a few instances she injected herself twice a week. She used about one-quarter teaspoonful of heroin on the average, at each injection. Her last injection was a day or two before her arrest on November 12, 1976. L. provided her with all her heroin.

At the time of respondent's arrest on November 12, 1976 respondent was in a restaurant in the company of L [REDACTED] and his friend, also a drug user. Respondent testified that she had put a plastic container containing the 25 milliliters of methadone in her purse, at the request of L [REDACTED]'s friend, as a accomodation. She suspected that the contents of said container was methadone but she complied with the request anyway.

Since her arrest on November 12, 1976, respondent has separated from L [REDACTED], and now resides in San Diego, California. Except for an occasional contact relating to the sale of a house purchased jointly during their relationship and the retaining of counsel to represent them in the criminal prosecution arising from the November 12, 1976 arrest, the parties have remained separated. Respondent has no intention of resuming her relationship with L [REDACTED].

During the entire span of time of their relationship, starting with respondent's resignation as a physician with the County of Los Angeles Drug Clinic, respondent did not practice medicine in any form and she testified that she did not write any prescriptions. Pursuant to her said arrest on November 12, 1976 the resulting criminal prosecution was stayed and diversion was granted for a period of 2 years on the conditions that respondent cooperate with the probation officer in a plan for curbing drug abuse and that she not associate with H [REDACTED] L [REDACTED].

Respondent testified that she has no physical or psychological dependence on heroin or methadone. She is presently undergoing therapy to resolve her drug related problems.

DETERMINATION OF ISSUES

Cause for disciplinary action exists against respondent's physician's and surgeon's certificate pursuant to Section 2360, 2390 and 2391.5 of the Business and Professions Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Certificate No. G-21287 issued to respondent Judith Helene King, M.D. is revoked.

However, revocation is stayed and respondent is placed on probation for ten(10) years upon the following terms and conditions:

1. Respondent must abstain completely from the personal use of controlled substances and dangerous drugs except those prescribed, administered or

dispensed to respondent by another physician for a bona fide illness or condition.

2. Respondent must comply immediately with requests from the Division's designee to submit to biological fluid testing.
3. Respondent must not prescribe, administer, dispense, or order controlled substances (and dangerous drugs), except for those drugs listed in schedules IV and V in Health and Safety Code Sections 11057 and 11058.
4. Respondent must obey all federal, state and local laws, and all rules governing the practice of medicine in California.
5. Respondent must submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.
6. Respondent must comply with the Division's probation surveillance program.
7. Respondent must appear in person for an interview with the Division's medical consultant upon request and reasonable notice.
8. In the event respondent should leave California to reside or to practice outside of State, respondent must notify the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may move to set aside the stay order and impose the revocation of the respondent's certificate.

Upon successful completing of probation, respondent's certificate will be fully restored.

This Decision becomes effective on June 5, 1978.

IT IS SO ORDERED this 4th day of May, 1978.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

By Michael J. Carella
Michael J. Carella, Ph.D.
Secretary-Treasurer

FL:pc

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

JUDITH HELENE KING, M. D.

Respondent.

NO. D-1896

L-13256

NOTICE OF NON-ADOPTION OF PROPOSED DECISION

(Pursuant to Section 11517 of the Government Code)

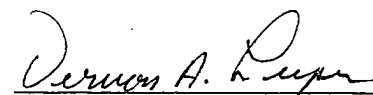
TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that the Division of Medical Quality of the Board of Medical Quality Assurance of the State of California has decided not to adopt the attached proposed decision filed herein by the duly assigned Administrative Law Judge, Ronald M. Gruen, and dated July 22, 1977. You are also notified that the Division of Medical Quality will decide the case upon the record, including the transcript and without the taking of additional evidence. You are hereby afforded the opportunity to present written argument to the Division of Medical Quality, if you desire to do so, by filing such written argument with the Division at its office at 1430 Howe Avenue, Sacramento, California 95825, and the same opportunity is afforded the Attorney General of the State of California.

You will be notified of the date for submission of such written argument when the transcript of the administrative hearing becomes available.

DATED: October 24, 1977

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE


VERNON A. LEEPER, Program Manager
Enforcement Unit

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

No. D-1896

JUDITH HELENE KING, M.D.)
1225 Swindon Street)
Simi Valley, California 93065)

L-13256

Physician's and Surgeon's)
Certificate No. G-21287,)

Respondent.)

PROPOSED DECISION

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on June 27, 1977, at 9:00 a.m. Joseph Barkett, Deputy Attorney General, represented the complainant. Respondent Judith Helene King, M.D., appeared in person and was represented by Willard B. Vogel, Jr., Attorney at Law. Oral and documentary evidence and evidence by stipulation having been introduced and the matter submitted, the Administrative Law Judge finds the following facts:

I

Joseph P. Cosentino filed the Accusation and the First Supplemental Accusation in his official capacity as Acting Executive Secretary of the Board of Medical Quality Assurance of the State of California.

II

Respondent Judith Helene King, M.D. was heretofore

issued Physician's and Surgeon's Certificate No. G-21287 by the Board of Medical Examiners (now known as the Board of Medical Quality Assurance) of the State of California. That certificate is currently in a delinquent status.

III

During, but not limited to, the period between April 1975 to February 1976, respondent used and administered to herself the drug heroin.

IV

On or about November 12, 1976, respondent was found by Los Angeles Police Officers Phillips and Como, in the vicinity of Sepulveda Street and Sherman Way, to be in possession of approximately 25 milliliters of methadone without having a valid prescription therefor.

V

A. According to respondent's testimony, the facts underlying her conduct as set forth in Findings of Fact III and IV above, are that respondent in the Spring of 1975 became romantically involved with one H. L., a man which she had met socially and who was a heroin addict. Respondent was not aware of his drug use at the time. Approximately two months after their meeting respondent resigned her position as a physician in a drug detoxification clinic for the County of Los Angeles. At the time she was already living together with L.

L. was on a methadone program for his heroin addiction through the Veteran's Administration Hospital. Respondent attempted to assist him in overcoming his problem, however L. continued using heroin, despite respondent's efforts.

Respondent was experiencing frequent emotional upsets in her relationship with L. She was frustrated in her efforts at rehabilitating him, and having him not associate with other drug users. Gradually her willpower dissolved and beginning in

November 1975 until November 12, 1976, when she was arrested, she self injected heroin according to her testimony between 10 and 20 times to enable her to cope with emotional upsets. She testified that this was done on an occasional basis and in a few instances she injected herself twice a week. She used about one-quarter teaspoonful of heroin on the average, at each injection. Her last injection was a day or two before her arrest on November 12, 1976. L [REDACTED] provided her with all her heroin.

At the time of respondent's arrest on November 12, 1976 respondent was in a restaurant in the company of L [REDACTED] and his friend, also a drug user. Respondent testified that she had put a plastic container containing the 25 millimeters of methodone in her purse, at the request of L [REDACTED]'s friend, as an accommodation. She suspected that the contents of said container was methodone but she complied with the request anyway.

Since her arrest on November 12, 1976, respondent has separated from L [REDACTED], and now resides in San Diego, California. Except for an occasional contact relating to the sale of a house purchased jointly during their relationship and the retaining of counsel to represent them in the criminal prosecution arising from the November 12, 1976 arrest, the parties have remained separated. Respondent has no intention of resuming her relationship with L [REDACTED].

During the entire span of time of their relationship, starting with respondent's resignation as a physician with the County of Los Angeles Drug Clinic, respondent did not practice medicine in any form and she testified that she did not write any prescriptions. Pursuant to her said arrest on November 12, 1976 the resulting criminal prosecution was stayed and diversion was granted for a period of 2 years on the conditions that respondent cooperate with the probation officer in a plan for curbing drug abuse and that she not associate with H [REDACTED] L [REDACTED].

Respondent testified that she has no physical or psychological dependence on heroin or methodone. She is presently

undergoing therapy to resolve her drug related problems. . .
Evidence adduced at the hearing indicate that serious problems
and conflicts remain.

B. It was not demonstrated that in respondent's
efforts at rehabilitation, she has achieved the emotional and
judgmental stability compatible with safeguarding the public
interest, to remain entrusted with the duties and functions of
a licensee. This concern is especially strong, taking into
account the duration and gravity of her conduct, as well as the
undetermined nature and extent of her psychological or emotional
problems. Also there is a lack of substantial independent evidence
bearing on the issue of her dependence on or addiction to heroin.

* * * * *

Pursuant to the foregoing findings of fact, the
Administrative Law Judge makes the following determination
of issues:

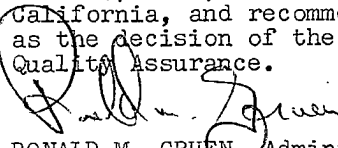
Cause for disciplinary action exists against respondent's
physician's and surgeon's certificate pursuant to Sections 2360,
2390 and 2391.5 of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The Physician's and Surgeon's Certificate No. G-21287,
heretofore issued to respondent Judith Helene King, M.D., is
hereby revoked.

I hereby submit the foregoing which
constitutes my Proposed Decision in
the above-entitled matter as a result
of the hearing had before me on
June 27, 1977, at Los Angeles,
California, and recommend its adoption
as the decision of the Board of Medical
Quality Assurance.


RONALD M. GRUEN, Administrative Law Judge
Office of Administrative Hearings

DATED: July 22, 1977

RMG:da

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4 Telephone: (213) 736-2013
5 Attorneys for Complainant
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8 BEFORE THE DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Accusation)	
14 Against:)	
15 JUDITH HELENE KING, M.D.)	NO. <u>D-1896</u>
2125 Swindon Street)	
16 Simi Valley, California 93065)	
17 Physician's and Surgeon's)	ACCUSATION
Certificate No. G-21287)	
18 Respondent.)	
19		

20 COMES NOW complainant, Joseph P. Cosentino, who, as
21 causes for disciplinary action against the above named and
22 captioned respondent, charges and alleges as follows:

- 23 1. He is the Acting Executive Director of the Board
24 of Medical Quality Assurance of the State of California (herein-
25 after referred to as the "Board") and makes and files this
26 Accusation solely in his official capacity.
- 27 2. Judith Helene King, M.D. (hereinafter referred to
28 as "respondent"), was heretofore issued Physician's and Surgeon's
29 Certificate No. G-21287 by the Board of Medical Examiners (now
30 known as the Board of Medical Quality Assurance) of the State of
31 California. That certificate is currently in a delinquent status.

1 3. Sections 2360 and 2372 of the Code provide that
2 every certificate issued may be suspended or revoked. Section
3 2361 of the Code provides that the Division of Medical Quality
4 (hereinafter the "Division") shall take disciplinary action
5 against any holder of a certificate who is guilty of
6 unprofessional conduct.

7 4. Section 2390 of the Code provides in pertinent part
8 that the use or prescribing for or administering to himself of
9 any of the controlled substances specified in Schedule I of
10 section 11054 of the Health and Safety Code constitutes unpro-
11 fessional conduct within the meaning of the State Medical Practice
12 Act (Bus. & Prof. Code §§ 2000-2528.3, inclusive).

13 5. Respondent is subject to disciplinary action
14 pursuant to sections 2360 and 2390 of the Code in that respondent
15 has used and administered to herself a controlled substance
16 specified in Schedule I of section 11054 of the Health and Safety
17 Code. The circumstances are as follows:

18 A. Heroin was classified as a controlled
19 substance in Schedule I of the California Health
20 and Safety Code and more particularly at section
21 11054(c)(10) thereof.

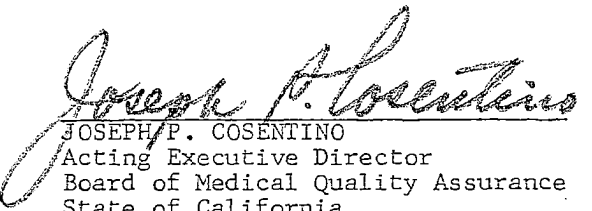
22 B. During, but not limited to, the period
23 between April 1975 to February 1976, respondent used
24 and administered to herself the drug heroin.

25 WHEREFORE, complainant prays that the Division of
26 Medical Quality of the Board of Medical Quality Assurance hold
27 a hearing on the matters alleged herein, and following said
28 hearing, issue a decision:

29 1. Revoking or suspending the Certificate of Licensure
30 heretofore issued to Judith Helene King, M.D.; and
31 /

1 2. Taking such other and further action as the Board
2 deems necessary and proper.

3 DATED: 11-17-76.

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7 JOSEPH P. COSENTINO
8 Acting Executive Director
9 Board of Medical Quality Assurance
10 State of California

11 Complainant
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8 BEFORE THE DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Accusation }
Against: }

NO. D-1896

14 JUDITH HELENE KING, M.D. }
15 2125 Swindon Street }
Simi Valley, California 93065 }

FIRST SUPPLEMENTAL
ACCUSATION

16 Physician's and Surgeon's }
17 Certificate No. G-21287, }

18 Respondent. }

19
20 COMES NOW Complainant Joseph P. Cosentino, who, as
21 further cause for disciplinary action against the above named and
22 captioned respondent, charges and alleges as follows:

23 6. Section 2391.5 of the Business and Professions Code
24 (hereinafter referred to as the "Code") provides as follows:

25 "A violation of any federal statute, or rule
26 or regulation or any of the statutes or rules or
27 regulations of this state regulating narcotics,
28 dangerous drugs, or controlled substances, consti-
29 tutes unprofessional conduct within the meaning of
30 this chapter." (Ch. 5, Div. 2, §§ 2000-2539,
31 inclusive.)

1 7. The following are relevant sections of the
2 California Health and Safety Code and the United States Code
3 as they pertain to regulation of controlled substances:

4 A. Section 11350 of the Health and Safety
5 Code provides for punishment by imprisonment of any
6 person possessing any controlled substance specified
7 in subdivision (c) of section 11055 of the Health and
8 Safety Code.

9 B. Title 21 of the United States Code (cited
10 hereinafter as "21 U.S.C.") section 812 establishes
11 five Schedules of controlled substances: I, II, III,
12 IV, and V and sections 811, 821, and 829 enable the
13 Attorney General to amend them by rule. Said Schedules
14 have been updated and codified pursuant to this author-
15 ity at Part 1308 of Title 21 of the Code of Federal
16 Regulations (cited hereinafter as "21 C.F.R.").

17 C. 21 U.S.C. § 844 provides for punishment
18 by imprisonment for any person who knowingly or inten-
19 tionally possesses a controlled substance unless such
20 substance was obtained directly, or pursuant to a
21 valid prescription or order, from a practitioner,
22 while acting in the course of his professional practice.

23 8. Methadone was classified as a controlled substance
24 in Schedule II of the California Health and Safety Code and more
25 particularly at section 11055(c)(11) thereof, was also classified
26 as a dangerous drug within the meaning of section 4211(k) of the
27 California Business and Professions Code, and was also classified
28 as a federally controlled Schedule II substance by virtue of
29 21 C.F.R. § 1308.12(c)(11).

30 9. Respondent is subject to disciplinary action
31 pursuant to section 2391.5 of the Code in that respondent has

1 violated a federal statute and regulation regulating narcotics,
2 dangerous drugs, or controlled substances (21 U.S.C. §844) as well
3 as a California statute regulating narcotics, dangerous drugs, or
4 controlled substances (Health & Saf. Code § 11350), which charge
5 is more particularly alleged as follows:

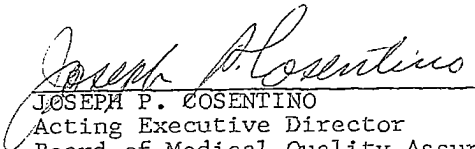
6 On or about November 12, 1976, respondent was
7 found by Los Angeles Police Officers Phillips and Como,
8 in the vicinity of Sepulveda Street and Sherman Way,
9 to be in possession of approximately 25 milliliters
10 of methadone without having a valid prescription
11 therefor.

12 WHEREFORE, complainant prays that the Division of
13 Medical Quality of the Board of Medical Quality Assurance hold
14 a hearing on the matters alleged herein, and following said
15 hearing, issue a decision:

16 1. Revoking or suspending the Certificate of Licensure
17 heretofore issued to Judith Helene King, M.D.: and

18 2. Taking such other and further action as the Board
19 deems necessary and proper.

20 DATED: 12.21.76

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23 
24 JOSEPH P. COSENTINO
25 Acting Executive Director
26 Board of Medical Quality Assurance
27 State of California

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31 Complainant